

MATERIALS ON INDUSTRIAL PROPERTY

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INDUSTRIAL PROPERTY

1980 Syllabus

1. PATENTS:

References: Fox, "Canadian Patent Law and Practice". 4th ed. (1969)
Terrell, "Patents", 12th ed. (1971)
Blanco-White, "Patents for Inventions", 4th ed. (1974)
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(1) Introduction:

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(2) Subject matter:

Lane-Fox v. Kensington, (1892), 9 R.P.C. 413, 416 *G.E.C.'s Application, (1943), 60 R.P.C. 1, 4 *Burroughs' Application, [1974] R.P.C. 147, 154, 158-161 *Parker v. Flook, (1978), 198 U.S.P.Q. 193 Re Johnson, (1979), 200 U.S.P.Q. 199 Re Sarkar. (1979), 200 U.S.P.Q. 129 *Anonymous Application, 106 Canadian Patent Office Record, Aug. 1, 1978, p. xviii *Re Bergy, (1979), 201 U.S.P.Q. 352 Tennessee Eastman v. Commissioner, [1974] S.C.R. 111 Pollack's Application No. 839,690, (1972), 9 C.P.R. (2d) 283 Joos v. Commissioner, [1973] R.P.C. 59 *"Utility and Non-Statutory Subject Matter", Manual of Patent Office Practice (Information Canada Catalogue R.G. 42-3/1974), Chapter 12 Ciba-Geigy's Application [1976] F.S.R. 77 Organon's Application, [1970] R.P.C. 574 Eli Lilly's Application, [1975] R.P.C. 438

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*American Cyanamid v. Ethicon, [1979] R.P.C. 215, 245-246, 251-255
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*35 U.S. Code, s. 104
*Electric and Musical Industries v. Lissen, (1939), 56 R.P.C. 23, 39, 41-43

^{*}Extracts of materials marked with an asterisk are included in the accompanying Materials on Industrial Property.

(5) Obviousness:

*35 U.S. Code, s. 103 Graham v. John Deere, (1965), 383 U.S. 1 *Technograph v. Mills, [1969] R.P.C. 395, 404-5, 407-8; [1972] R.P.C. 346, 355 *Xerox v. IBM, (1977), 33 C.P.R. (2d) 24, 32-37, 61-62 *Rado v. Tye, [1969] F.S.R. 563, 565-6 *General Tire v. Firestone, [1971] R.P.C. 173, 232, 245-6; [1972] R.P.C. 457, 482-483, 485, 499-500 L.C.I.'s Application, [1977] F.S.R. 434 *Olin Mathieson v. Biorex, [1970] R.P.C. 157, 187-8 Re Antle, (1971), 170 U.S.P.Q. 285 " Paris Patent, [1975] R.P.C. 165, 169 *Wood v. Gowshall, (1937), 54 R.P.C. 37, 40 Tetra Molectric v. Japan Import, [1976] R.P.C. 547, 581 Hoechst v. Halocarbon (1979), C.P.R. (2d)

Utility:

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*Wilderman v. Berk, (1925), 42 R.P.C. 79, 88
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*Slater v. Payer, (1968), 38 Fox Pat. C. 139, 157, 163-4
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165-167, affd. 42 C.P.R. (2d) 33
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(8) The Paris Convention

2. COPYRIGHT:

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Hartnett v. Pinkett, (1953), 103 L.J. 204
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*Francis, Day & Hunter v. Twentieth Century Fox, [1939] 4 D.L.R. 353, 358-361

*Ladbroke v. Hill, [1964] 1 All E.R. 465, 469, 475-478

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Pasichniak v. Dojacek, [1928] 2 D.L.R. 545

CAPAC v. CTV, [1968] S.C.R. 676

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*Donoghue v. Allied, [1938] 1 Ch. 106, 109-110
*Moreau v. St. Vincent, [1950] Ex. C.R. 198, 204-205, 207
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Russell-Clarke, "Copyright in Industrial Designs" 5th ed.
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*Amp v. Utilux, [1972] R.P.C. 103, 107-110, 113
*Cimon v. Bench Made, [1965] 1 Ex. C.R. 811, 828-833, 845-847
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*Rosedale v. Airfix, [1957] R.P.C. 239, 244
*Kilvington v. Goldberg, (1957), 16 Fox Pat. C. 164
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*Walker V Scott. (1892), 9 R.P.C. 482, 485

4. TRADE SECRETS:

References: Turner, 'The Law of Trade Secrets" (1962)
Fox, "The Canadian Law of Trade Marks and Unfair
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(1) Establishment of a contractual or confidential relationship:

*Triplex v. Scorah, (1938), 55 R.P.C. 21, 28
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*Saltman v. Campbell, (1948), 65 R.P.C. 203, 211-6
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*Coco v. Clark, [1969] R.P.C. 41, 46-50
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*Printers v. Holloway, [1965] R.P.C. 239, 252-253
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*Conmar v. Universal, (1949), 172 F 2d. 150, 156
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*Seager v. Copydex, [1967] R.P.C. 349, 367-8
*International v. Kollar, [1968] 1 O.R. 669, 676
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*Morton Salt v. Suppiger, (1942), 314 U.S. 488

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